

**UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA**

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BIAGIO RAVO and ENRICO NICOLO,	)	
	)	
Plaintiffs,	)	Civil Action No. 04-0617
v.	)	Chief Judge Donetta W. Ambrose
ETHICON ENDO-SURGERY, INC.,	)	
a Johnson & Johnson Company,	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendant.	)	
	)	

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**DEFENDANT ETHICON'S WITHDRAWAL OF ITS  
MOTIONS FOR SUMMARY JUDGMENT**

Defendant Ethicon Endo-Surgery, Inc. ("Ethicon") has entered into an agreement with Plaintiffs, Biagio Ravo, M.D. and Enrico Nicolo, M.D. ("Plaintiffs") to resolve the litigation referenced above. Therefore, Ethicon hereby withdraws, without prejudice, the following motions for summary judgment:

- Defendant Ethicon's Motion For Partial Summary Judgment Of No Willful Infringement
- Defendant Ethicon's Motion For Partial Summary Judgment Of Non-Infringement On All Non Means-Plus-Function Claims
- Defendant Ethicon's Motion For Summary Judgment On Its Prior Invention Defense
- Defendant Ethicon's Motion for Partial Summary Judgment on All Means-Plus-Function Claims

Ethicon reserves its right to re-file the motions for summary judgment should the parties fail to resolve this matter.

Dated: September 28, 2006

Respectfully submitted,

/s/ John J. Richardson

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9/29/06  
approved

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